



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



349628

February 10, 2003

REPLY TO THE ATTENTION OF

SRF-5J

Ms. Barbara Nwokike  
SOUTHDIV NAVFACENGCOM  
P.O. Box 190010  
N. Charleston, SC 29419-9010

RE: USEPA Comments on the Finding of Suitability to Transfer and Environmental Baseline Survey for Transfer for Parcel5 (January 8, 2003) at the Libertyville Training Site

Dear Ms. Nwokike:

The United States Environmental Protection Agency (USEPA) has received the Finding of Suitability to Transfer (FOST) and Environmental Baseline Survey for Transfer (EBST) for Parcel 5 (January 8, 2003) at the Libertyville Training Site, Vernon Hills, IL. This parcel is being proposed for transfer via a Public Benefit Conveyance, sponsored by the Department of Interior.

These parcels fall within the purview of Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC Section 9620(h)(3) (CERCLA). When entering into a deed for transfer of parcels subject to CERCLA Section 120(h)(3), the Navy is required to include in such deed the following three items:

- 1) A notice of the type and quantity of all hazardous substances stored, released, or disposed of at the subject parcel, as well as the time period(s) during which such storage, release, or disposal took place, and a description of any remedial action taken at the subject parcel. This information should be contained in the deed to the extent that such information is available based on a complete search of Navy files.
- 2) A covenant warranting that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the subject parcel has been taken before the date of transfer, and that any additional remedial action found to be necessary after the date of the transfer shall be conducted by the United States.
- 3) A clause granting the United States access to the subject parcel in any case in which remedial action or corrective action is found to be necessary after the date of such transfer.

With respect to (1), USEPA's concurrence with this FOST is based on the inclusion in the deed of all information required by CERCLA Section 120(h)(3)(A), to the extent that such information is available on the basis of a complete search of the Navy's files.

With respect to (2), USEPA agrees with the Navy's conclusion that all remedial action necessary to protect human health and the environment has been taken with respect to any hazardous substance remaining on the subject parcel, pursuant to CERCLA Section 120(h)(3)(B). The USEPA bases its concurrence with this FOST on the inclusion in the deed of transfer language that the United States covenants that all necessary remedial action has been taken before the date of this transfer, and that the United States further covenants that any additional remedial action found to be necessary on this Parcel after the date of this transfer shall be conducted by the United States.

With respect to (3) and the requirements of CERCLA Section 120(h)(3)(C), the USEPA's concurrence with this FOST is based on the inclusion in the deed of transfer language that [the transferee and its successors] consents to officers, employees, and authorized representatives of the United States entering and having continued access to the Parcel for the purpose of taking any response action necessary to protect human health and the environment.

Without independent verification of information contained in the FOST and EBST, and assuming that the deed of transfer contains the notice and covenant requirements of CERCLA Section 120(h)(3)(A)-(C), the USEPA concurs with the Navy's FOST for Parcel 5. The USEPA expressly reserves all rights and authorities relating to these parcels under CERCLA. The USEPA recommends that this document be made available to the public with the signed FOST.

If you have any questions, please contact me at (312) 353-8827.

Sincerely,

Gary M. Schaffer, P.G.  
Chief - Federal Facilities Response Section  
Superfund Division

cc: Charlene Falco - IEPA  
Claire Barnett - EnSafe